

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 18114

(Jointly Administered)

**URGENT CONSENTED MOTION FOR ENTRY OF ORDER EXTENDING TIME
TO REPLY TO THE MOTION OF THE OFFICIAL COMMITTEE OF RETIRED
EMPLOYEES, AND ITS PROFESSIONALS, TO COMPEL THE PUERTO RICO
DEPARTMENT OF TREASURY TO COMPLY WITH THE FIRST AND SECOND
AMENDED ORDERS SETTING PROCEDURES FOR INTERIM COMPENSATION
AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS AT ECF NO. 18114**

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Commonwealth”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consented motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines to respond to the *Motion of the Official Committee of Retired Employees and its*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Professionals to Compel the Puerto Rico Department of Treasury to Comply with the First and Second Amended Orders Setting Procedures for Interim Compensation and Reimbursement of Expenses of Professionals (the “Motion to Compel”) filed at ECF No. 18114.²

Request for Relief

1. On September 14, 2021, the Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the “Retiree Committee”) and the Retiree Committee Professionals³ and together with the Retiree Committee, the “Movants”, filed the Motion to Compel requesting the Court to enter an order for the Puerto Rico Department of Treasury (“Treasury”) to comply with this Court’s *First Amended Order Setting Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* (ECF No. 1715) (the “First Amended Compensation Procedures Order”), the *Second Amended Order Setting Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* (ECF No. 3269) (the “Second Amended Compensation Procedures Order”, and together with the First Amended Interim Compensation Order, the “Compensation Procedures Orders”), and the Court’s orders approving each of the Retiree Committee Professionals’ first eleven Interim Fee Applications (ECF Nos. 1994, 3279, 3656, 4200, 5654, 7670, 8189, 9046, 9488, 12157, 13150, 13824, 14925, 15971, 17646) (the “Interim Fee Orders”) and pay all the 1.5% government contributions withheld from their monthly fee payments on or before October 15, 2021 (the “Withholdings”). See, Motion to Compel.

² The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

³ Jenner & Block LLP (“Jenner”); FTI Consulting, Inc. (“FTI”); Bennazar, García & Milián, C.S.P. (“Bennazar”); Segal Consulting (“Segal”); and Marchand ICS Group (“Marchand,” and together with Jenner, FTI, Bennazar, and Segal, the “Retiree Committee Professionals”).

2. Since then, the Commonwealth has been working diligently with Treasury to gather the necessary information to resolve the issue raised in the Motion to Compel and reach a consensual resolution. To that end, Treasury has requested certain documents which have been submitted by the Movants to evaluate if the payment of the Withholdings is applicable, and, if it is, to process the same.

3. Nevertheless, the Commonwealth needs additional time to gather information and finalize its analysis and payments of the Withholdings. The Commonwealth reached out to Movants' counsel who has consented to the requested extension.

4. Accordingly, the Commonwealth, with Movants' consent, requests an extension of time of seven (7) days, until **September 28, 2021**, to allow Treasury to continue its evaluation of the documents submitted by the Movants and the relevant information regarding the relief requested in the Motion to Compel, to attempt to reach a consensual resolution of the issues raised therein.

5. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the "Case Management Procedures"), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

6. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for

the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;⁴ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movants. A copy of the motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

7. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: September 21, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luis C. Marini-Biaggi
Luis C. Marini-Biaggi
USDC No. 222301
Email: lmardini@mpmlawpr.com

/s/ Carolina Velaz-Rivero
Carolina Velaz-Rivero
USDC No. 300913
Email: cvelaz@mpmlawpr.com

MARINI PIETRANTONI MUÑOZ LLC
250 Ponce de León Ave.
Suite 900
San Juan, Puerto Rico 00918
Tel: (787) 705-2171
Fax: (787) 936-7494

⁴ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

*Attorneys for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*

Exhibit A

Proposed Order